

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY JSH D.C.

05 SEP -8 PM 12: 06

KEVIN HAMMONS,

Plaintiff,

v.

No. 04-2243-BV
JURY DEMANDED

LASIK VISION INSTITUTE, LLC, PEARLE
VISION CENTER, INC., PEARLE VISION
CENTER OF TENNESSEE, INC. and
DAVID S. MURPHY, M.D.,

Defendants.

THOMAS H. GOULD
CLERK U.S. DISTRICT COURT
W.D. OF TN, MEMPHIS

FILED BY cy D.C.
05 SEP -9 PM 12: 36
THOMAS H. GOULD
CLERK U.S. DISTRICT COURT
W.D. OF TN, MEMPHIS

NOTICE OF DISMISSAL UNDER RULE 41 AS TO PEARLE VISION, INC., ONLY

COMES NOW the Plaintiff, pursuant to Rule 41 of the Federal Rules of Civil Procedure and gives notice that it does now voluntarily and by stipulation dismiss the Plaintiff's action in this cause only against the Defendant, Pearle Vision, Inc.

AGREED:

Mr. Randall N. Songstad (BPR# 18442)
6077 Primacy Parkway, Suite 102
Memphis, TN 38119
(901) 683-5880
Attorney for Kevin Hammons

Lee J. Chase III
Lee J. Chase, III (BPR# 8443)
1700 One Commerce Square
Memphis, Tennessee 38103
(901) 525-1322
Attorneys for Pearle Vision, Inc.

This document entered on the docket sheet in compliance with Rule 58 and/or 79(a) FRCP on 9-9-05

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on the following by placing a copy in the United States Mail, postage pre-paid, this 8th day of September, 2005:

Effie Vanzola Bean
Thomason Hendrix Harvey Johnson & Mitchell
40 S. Main St., Suite 2900
Memphis, TN 38103

Elizabeth L. Atrutz
Thomason Hendrix Harvey Johnson & Mitchell
40 S. Main St., Suite 2900
Memphis, TN 38103

Bruce McMullen
Thomason Hendrix Harvey Johnson & Mitchell
40 S. Main St., Suite 2900
Memphis, TN 38103

Elizabeth T. Collins
Thomason Hendrix Harvey Johnson & Mitchell
40 S. Main St., Suite 2900
Memphis, TN 38103

Marty R. Phillips
Rainey Kizer Reviere & Bell
105 S. Highland Ave.
P.O. Box 1147
Jackson, TN 38302



Lee J. Chase, III



Notice of Distribution

This notice confirms a copy of the document docketed as number 52 in case 2:04-CV-02243 was distributed by fax, mail, or direct printing on September 9, 2005 to the parties listed.

Effie Vanzola Bean
THOMASON HENDRIX HARVEY JOHNSON & MITCHELL
40 S. Main St.
Ste. 2900
Memphis, TN 38103--552

Elizabeth L. Atrutz
THOMASON HENDRIX HARVEY JOHNSON & MITCHELL
40 S. Main St.
Ste. 2900
Memphis, TN 38103--552

Lee J. Chase
GLANKLER BROWN, PLLC
One Commerce Square
Suite 1700
Memphis, TN 38103

Randy Songstad
DOWDEN SONGSTAD & WORLEY
6077 Primacy Parkway
Ste. 102
Memphis, TN 38119

Marty R. Phillips
RAINEY KIZER REVIERE & BELL
105 S. Highland Ave.
P.O. Box 1147
Jackson, TN 38302--114

Elizabeth T. Collins
THOMASON HENDRIX HARVEY JOHNSON & MITCHELL
40 S. Main St.
Ste. 2900
Memphis, TN 38103--552

Bruce McMullen
THOMASON HENDRIX HARVEY JOHNSON & MITCHELL
40 S. Main St.
Ste. 2900
Memphis, TN 38103--552

Honorable J. Breen
US DISTRICT COURT